IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8880 of 2004

Tirupati Industries (India) Limited ..Petitioner

vs.

1. State of Maharashtra & Anr. ..Respondents

Shri M.M.Vashi for petitioner.
Shri P.I.Khemani, A.G.P. for respondent no.1.
Shri P.P.Chavan for respondent no.2.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
23rd December,2004

P.C.

1. Heard Advocates.

2. The dispute between the parties pertains to the electricity bills for the period from 1991 to 1995. Shri Vashi, learned counsel appearing for the petitioner, fairly conceded that section 22 of SIC Act has no application to the electricity bills but according to him the benefits of Govt.Resolution dated 16th November, 1996 are not extended to the petitioner and calculations made by M.S.E.B. are incorrect and the demand is highly exaggerated. He particularly drew our attention to the letter of Superintending Engineer dated 9th April, 2002 which specifically states that there are no arrears and in fact there is a credit balance of Rs.4308/-. He also points out that by communication dated 12th

October, 2004 the M.S.E.B. has made a demand of Rs.55,66,022.08 for the period from 1991 to 1995 whereas M.S.E.B.is now contending that the figure mentioned in the said letter dated 12th October, 2004 is also not correct and the amount due from the petitioner works out to be Rs.10,37,605.75 as on 1st December, 1995 with simple interest at the rate of 13%

3. In view of the contradictory stands taken by the M.S.E.B.on different occasions we feel that this is a fit case for making a reference to the Chief Engineer (Commercial) to consider the relevant Govt.Resolutions and to determine the amount payable by the petitioner to M.S.E.B. for the period 1991 to 1995. Needless to say that before passing any order the Chief Engineer (Commercial) shall grant opportunity of personal hearing to the petitioner. The Chief Engineer shall decide the matter within 8 weeks from today.

4. All contentions on merits are left open to the parties.

5. Petition is disposed of accordingly.